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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

In Re  
PG&E CORPORATION  
v.  
AECOM TECHNICAL SERVICES, INC.

Case No. 4:20-cv-05381-HSG (Lead Case)  
  
(Reference withdrawn from Bankruptcy Case  
No. 19-30088, Adv. Proc. No. 20-03019 and  
Adv. Proc. No. 19-03008)  
  
(Consolidated with Case No. 3:20-cv-08463-  
EMC)

**ORDER ON STIPULATION  
REGARDING MUTUAL  
WITHDRAWAL OF CERTAIN  
AFFIRMATIVE DEFENSES**

Plaintiff and Counterclaim Defendant JH Kelly, LLC (“JHK”) and Defendant and  
Counterclaim Plaintiff AECOM Technical Services, Inc. (“AECOM”) (collectively, the  
“Parties”), by and through their respective counsel, stipulate as follows:

WHEREAS, the Parties met and conferred in order to clarify and narrow the contested  
issues for trial, specifically as to each party’s affirmative defenses. *See* Dkt. No. 66 (JH Kelly  
LLC’s Answer to AECOM Technical Services, Inc.’s Second Amended Counterclaim); No. 186  
(AECOM Technical Services, Inc.’s Answer to JH Kelly LLC’s Second Amended Counterclaim).

1 WHEREAS, JHK filed a Motion to Strike AECOM's Twelfth Affirmative Defense  
2 ("Lack of Licensure") on April 12, 2022. Dkt. No. 200.

3 WHEREAS, JHK alleges that "at all times material hereto [JHK] was authorized to  
4 conduct business in the State of California as a contractor under Contractors State License No.  
5 991732" and AECOM answered that it "lacks sufficient information to assess the truth or falsity  
6 of [that] allegation[] ... and accordingly denies the same." *See* Dkt. 102 ¶ 4; Dkt. No. 186 ¶ 4.

7 WHEREAS, the Parties agree that certain affirmative defenses asserted by the Parties can  
8 be withdrawn at this time in anticipation of trial.

9 NOW THEREFORE, in consideration of the foregoing, the Parties, by and through their  
10 respective counsel, hereby STIPULATE and AGREE as follows:

- 11 1. AECOM's First Affirmative Defense for Failure to State a Claim is withdrawn;
- 12 2. AECOM's Eleventh Affirmative Defense for Prompt Payment Laws is withdrawn;
- 13 3. AECOM's Twelfth Affirmative Defense for Lack of Licensure is withdrawn;
- 14 4. AECOM's Fourteenth Affirmative Defense for Indemnity is withdrawn;
- 15 5. AECOM's Twenty-Second Affirmative Defense for Statute of Limitations is  
16 withdrawn;
- 17 6. JHK's First Affirmative Defense for Failure to State a Claim is withdrawn;
- 18 7. JHK's Third Affirmative Defense for Causation is withdrawn;
- 19 8. JHK's Eighth Affirmative Defense for Reasonableness and Good Faith is  
20 withdrawn;
- 21 9. JHK's Twelfth Affirmative Defense for Indemnity is withdrawn;
- 22 10. JHK's Fourteenth Affirmative Defense for Violation of Prompt Payment is  
23 withdrawn.

24 The Parties agree that this Stipulation is not to be construed as a waiver or withdrawal of  
25 any other affirmative defense or as having any other effect on the Parties' answers to each other's  
26 allegations in their respective Answers.


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1 The Parties also agree that JHK will withdraw its Motion to Strike AECOM's Twelfth  
2 Affirmative Defense [Dkt. No. 200] upon this Stipulation being entered by this Court.

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4 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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6 DATED: 4/19/2022

7 By:   
8 HAYWOOD S. GILLIAM, JR.  
9 United States District Judge  
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